

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

JAMES E. TUCKER, :
: .
Plaintiff, : Civil Action No. 07-817-JJF
: .
v. : .
: .
JOHN E. POTTER, POSTMASTER :
GENERAL, UNITED STATES POSTAL :
SERVICE, : .
: .
Defendant. : .

DEFENDANT'S MOTION FOR A MORE DEFINITE STATEMENT

COMES NOW, the Defendant, by and through his undersigned counsel, Colm F. Connolly, United States Attorney, and Seth M. Beausang, Assistant United States Attorney, and moves the Court pursuant to Fed. R. Civ. P. 12(e) to require Plaintiff to make a more definite statement. In support of the Motion, the Court is respectfully referred to the accompanying Memorandum of Points and Authorities. A proposed Order is attached hereto.

DATED: May 12, 2008.

Respectfully submitted,

COLM F. CONNOLLY
United States Attorney

By: /s/ Seth M. Beausang
Seth M. Beausang (De. I.D. No. 4071)
Assistant United States Attorney
1007 Orange Street, Suite 700
P.O. Box 2046
Wilmington, DE 19899-2046
(302) 573-6277

Attorney for Defendant

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: .
Defendant. : .

ORDER

AND NOW, this _____ day of _____, 2008, upon consideration of Defendant's Motion For A More Definite Statement, and all papers filed in support thereof and opposition thereto, it is ORDERED that Defendant's Motion is GRANTED. Plaintiff must file an amended complaint alleging facts, not merely referencing documents, that show how the Defendant discriminated against Plaintiff based on his race and prior EEOC activity. Plaintiff's "[f]actual allegations must be enough to raise a right to relief above the speculative level" and "and a formulaic recitation of the elements of a cause of action will not do." Bell Atlantic Corp. v. Twombly, 127 S. Ct. 1955, 1965 (2007).

IT IS SO ORDERED

THE HONORABLE JOSEPH J. FARNAN, JR.
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I, Seth M. Beausang, hereby attest under penalty of perjury that on this 12th day of May, 2008, I directed that two copies of the Defendant's Motion For A More Definite Statement, Memorandum of Points and Authorities in support thereof, and proposed Order, be sent the following day to the following pro se Plaintiff by First Class Mail:

James E. Tucker
143 Wellington Way
Middletown, DE 19709
(302)378-2698

/s/ Seth M. Beausang
Assistant United States Attorney